

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is requested. Claims 17-18 and 20-32 are in this application. Claims 17-18 have been amended. Claims 1-16 and 19 have been cancelled. Claims 20-32 have been added to additionally and alternately claim the present invention. In addition, the specification has been amended to change the summary and the title to more accurately reflect the invention.

The Examiner provisionally rejected claims 1-19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of co-pending application Serial No. 10/692,393 in view of Fries et al. (German Patent No. 2231469). The present application, however, has a filing date of June 26, 2003, while co-pending application Serial No. 10/692,393 has a filing date of October 23, 2003. Since co-pending application Serial No. 10/692,393 has a later filing date, co-pending application Serial No. 10/692,393 may not be used as a reference.

The Examiner objected to the drawings under 37 CFR 1.83(a) because the drawings show fans 240 and 244 spaced apart from their respective openings 226 and 232 by an excessive amount. The purpose of the drawings, however, is to illustrate the invention, not to show production level detail. With this standard, one skilled in the art would readily understand the invention in view of the present drawings, and would easily be able to determine an acceptable position of each fan with respect to the openings without undue experimentation.

However, in an effort to further prosecution, FIG. 2D has been amended as shown in red on a marked-up copy of FIG. 2D to show a fan more closely positioned to the openings. The marked-up copy of FIG. 2D is attached in Appendix A. In addition, applicant wishes to replace the informal drawings filed with the application with the replacement sheets attached in Appendix B, which includes a replacement

sheet for FIGS. 2C, 2D, and 2E. Marked-up copies of the informal drawings (except for FIG. 2D) have not been included as it is believed that the replacement sheets have the same content as the informal drawings except for informalities (e.g., the removal of arrowheads in several figures). (Applicant filed a set of substitute drawings on July 17, 2003 (and received by the PTO on July 22, 2003) which the Examiner does not appear to have addressed. The present replacement sheets are to replace the drawings filed on July 17, 2003 if these drawings have been entered into the file.)

The Examiner rejected claims 1-8, 13, and 17 under 35 U.S.C. §102(b) as being anticipated by Fries. The Examiner also rejected claims 9-12 under 35 U.S.C. §102(b) as being anticipated by Fries or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Fries. The Examiner further rejected claim 14 under 35 U.S.C. §102(e) as being anticipated by Hosokawa et al. (U.S. Patent Application No. 2002/0170706 A1), and claim 15 under 35 U.S.C. §103(a) as being unpatentable over Hosokawa. The Examiner additionally rejected claim 16 under 35 U.S.C. §102(b) as being anticipated by Foley et al. (U.S. Patent No. 4,860,824). The Examiner further rejected claim 19 under 35 U.S.C. §103(a) as being unpatentable over Onuki (U.S. Patent No. 4,739,827).

As noted above, claims 1-16 and 19 have been cancelled. Claim 17 has been amended to broaden the claim, and to include limitations from claim 18. (The Examiner does not appear to have rejected claim 18 beyond the double patenting rejection. As a result, it is assumed that the Examiner also intended to reject claim 18 in view of Hosokawa.)

Claim 17 recites, in part,

"forming a plurality of first walls connected to the air flow structure by:
"placing the first edge in a mold; and
"introducing an elastomer into the mold."

From what can be determined from the drawings, the Fries reference does not teach or suggest placing the edges of the air flow structure into a mold, and then introducing an elastomer into the mold. As a result, claim 17 is not anticipated by the Fries reference.

With respect to Hosokawa, this reference teaches that sealing material 23 and rubber material 26 shown in FIG. 7E of Hosokawa can be used to form the end portions 10 of the corrugated plate (that define first and second grooves). (See also page 6, paragraphs 92-93 of Hosokawa.) Thus, Hosokawa appears to teach that rubber material 26 is attached to the corrugated plate with sealing material 23.

However, attaching rubber material 26 to the corrugated plate with sealing material 23 is a labor intensive and, therefore, costly process. (See, for example, column 2, lines 13-23 of Onuki.) On the other hand, the present invention significantly reduces the labor required to form the end caps by molding, for example, rubber, to the ends of the air flow structure.

Although rubber molding processes in general are well known, there is nothing at all in the Hosokawa reference which teaches or even hints that the end caps in Hosokawa can be formed in a much more efficient manner by using a molding process rather than attaching the end caps with an adhesive. Thus, since the Hosokawa reference is silent with respect to a much more efficient way of forming the end caps, claim 17 is patentable over Hosokawa. In addition, since claims 18 and 20-22 depend either directly or indirectly from claim 17, claims 18 and 20-22 are patentable over Hosokawa for the same reasons as claim 17.

New claim 23 recites, in part,

"A method of forming an air flow structure that has a plurality of alternating ridges and grooves, each ridge and groove having sidewalls that extend from a first end to a second end, a first opening at the first end, a second opening at the second end, and an elongated opening that extends from the first opening to the second opening, the method comprising:

"forming a first wall connected to the first end of the air flow structure to completely close each first opening of a plurality of ridges and grooves; and

"forming a second wall connected to the second end of the air flow structure to completely close each second opening of a plurality of ridges and grooves."

From what can be determined, neither the Fries nor the Hosokawa reference teaches or suggests a method that includes an element that forms a first wall that completely closes the first openings of both the ridges and grooves, and an element that forms a second wall that completely closes the second openings of both the ridges and grooves.

Thus, since neither the Fries reference nor the Hosokawa reference teach or suggest method elements that form walls that close the ends of both the ridges and grooves, claim 23 is patentable over Fries and Hosokawa. In addition, since claims 24-32 depend either directly or indirectly from claim 23, claims 24-32 are patentable over Fries and Hosokawa for the same reasons as claim 23.

Thus, for the foregoing reasons, it is submitted that all of the claims are in a condition for allowance. Therefore, the Examiner's early re-examination and reconsideration are respectively requested.

Respectfully submitted,

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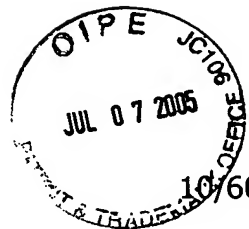
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APPENDIX A

AMENDMENT IN RESPONSE TO OFFICE
ACTION DATED APRIL 5, 2005

Atty. Docket No. 200-65200
(2003-00399)





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APPENDIX B

AMENDMENT IN RESPONSE TO OFFICE
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Atty. Docket No. 200-65200
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